

**MINUTES OF THE
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**

Wednesday, May 15, 2013 – 9:00 a.m. – Room 25 House
Building

Members Present:

Sen. Daniel W. Thatcher, Senate
Chair Rep. R. Curt Webb, House
Chair President Wayne L.
Niederhauser Sen. Aaron Osmond
Rep. Jerry B. Anderson Rep. Joel
K. Briscoe Rep. Melvin R. Brown
Rep. Spencer J. Cox Rep. Richard
A. Greenwood Rep. Craig Hall
Rep. Kay L. McIlff
Rep. Jeremy
A. Peterson
Rep. Jennifer
M. Seelig Rep.
Earl D. Tanner

Members

Absent: Sen.
Wayne A.
Harper Sen.
Karen Mayne

Staff Present:

Mr. Joseph T. Wade, Policy
Analyst Ms. Victoria Ashby,
Associate General Counsel Ms.
Samantha Coombs, Legislative
Secretary

Note: A list of other present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Thatcher called the meeting to order at 9:01 a.m.

MOTION: Rep. Webb moved to approve the minutes of the November 14, 2012, meeting. The motion passed unanimously with President Niederhauser, Rep. Brown, and Rep. Seelig absent for the vote.

2. Open and Public Meetings Act Training

Mr. Wade summarized key provisions of the Open and Public Meetings Act. He distributed ^aOpen and Public Meetings Act: Summary of Key Provisions^o and ^aUtah Code: Open and Public Meetings Act^o as references for members of the committee.

3. Eminent Domain Amendments

Mr. Craig Call, citizen, encouraged members of the committee to review Master Study Item #117, "Eminent Domain Amendments," submitted by Rep. Perry. Mr. Call explained that clarification is needed from the Legislature to address questions concerning the eminent domain process.

Rep. McIlff requested that Mr. Call compile a list, containing the questions he presented, that could be forwarded to members of the committee.

4. Wrongful Documents

Rep. Webb explained that last interim the committee worked on 2013 General Session H.B. 20, ^aWrongful Documents,^o which did not pass. He further explained that the purpose of the bill was to address the issues surrounding the filing of common law liens and of documents

being submitted to county recorders that are claimed to be wrongful. Rep. Webb explained that the bill did not pass, because certain stakeholders did not agree that the wrongful document issue should be addressed in the wrongful

lien section of the code. He explained that the purpose for studying this item would be to identify a different section of the code to address the wrongful filings issue.

5. Conservation Easement Revisions

Rep. Mike McKell asked the committee to study the process for granting approval for conservation easements, as proposed by 2013 General Session H.B. 162, ^aConservation Easement Revisions,^o which did not pass. He explained that conservation easements have perpetuity and asked the committee to discuss the possibility of allowing the perpetuity of a conservation easement to be revoked.

Committee discussion followed regarding perpetuity, the rights of private property owners, and the level of public and government involvement in the process of granting a conservation easement.

Mr. John Bennett, Executive Director, Utah Quality Growth Commission, explained that under current law, it is difficult, but not impossible, to extinguish the perpetuity of a conservation easement through the court process. He expressed concern about the proposal requiring public input before the sale of the private property.

6. RSS Feed for Local Government Meetings

Sen. Deidre Henderson asked the committee to study the implications of allowing state resources, such as the RSS feed, to be made available for use by local governments, so as to increase the availability and dissemination of public information. She explained that it does not make sense for municipalities to purchase and resource live streaming and audio infrastructure, if there is a way for the state to expand the use of its infrastructure already in place.

Rep. Greenwood encouraged the committee to consider the potential burden on local governments if the Legislature were to mandate an RSS feed.

7. Protest Requirements

Rep. Webb asked the committee to study the requirements that must be met in order to protest the creation of an assessment area. He explained that input is needed from the cities to evaluate and determine what requirements are appropriate.

8. Local Land Use Revisions

Rep. Froerer presented the issues relating to the land development authority of a municipal or county land use authority legislative body, as proposed by 2013 General Session H.B. 349, ^aLocal Land Use Revisions,^o which did not pass. He explained the need to clarify and streamline the land use revisions process, as well as implement the process consistently throughout the state.

Mr. Ernest Rowley, Weber County Recorder/Surveyor, explained that the code addressing land use authority is unclear, and as a result, is being interpreted and enforced differently by

the various cities and counties. Mr. Rowley continued that the code needs to be clarified to create consistency.

Rep. Webb presented questions he had regarding H.B. 349 "Local Land Use Revisions," specifically concerns about vacating, amending, and substituting plats; transferring or vacating the ownership of an easement; the process of a name change for a subdivision; and when to require a survey.

9. Other Items / Adjourn

Rep. Seelig asked for clarification about study item requests that were not discussed during the meeting and if a formal request needed to be submitted to have those items discussed.

Chair Thatcher responded that study items assigned to the committee that were not discussed at the meeting would be discussed at the next interim meeting and that no formal requests needed to be submitted to study those items.

MOTION: Sen. Osmond moved to adjourn the meeting. The motion passed unanimously.

Chair Thatcher adjourned the meeting at 10:11 a.m.